

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
SETH MARKIN,	:	
	:	22 Cr. 395 (ER)
Defendant.	:	
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WHEREAS, on or about July 21, 2022, SETH MARKIN (the “Defendant”) was charged in nineteen counts of a thirty-one-count Indictment, 22 Cr. 395 (ER) (the “Indictment”), comprising conspiracy to commit securities fraud and tender offer fraud, in violation of Title 18, United States Code, Section 371 (Count One); securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff, Title 17, Code of Federal Regulations, Sections 240.10b-5, 240.10b5-1, and 240.10b5-2, and Title 18, United States Code, Section 2 (Counts Two through Nine); securities fraud, in violation of Title 18, United States Code, Sections 1348 and 2 (Count Sixteen); tender offer fraud, in violation of Title 15, United States Code, Sections 78n(e) and 78ff, Title 17, Code of Federal Regulations, Sections 240.14e-3(a) and 240.14e-3(d); and Title 18, United States Code, Section 2 (Counts Seventeen through Twenty Four); and false statements, in violation of Title 18, United States Code, Section 1001 (Count Thirty One).

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Nine, and Sixteen through Twenty Four, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses alleged in those Counts of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the

commission of the offenses charged in Counts One through Nine and Seventeen through Twenty Four of the Indictment that the Defendant personally obtained;

WHEREAS, on or about December 4, 2023, the Defendant pled guilty to Count Two of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Two of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense alleged in Count Two of the Indictment, including a sum of money equal to \$82,366 in United States currency, representing the amount of proceeds traceable to the commission of the offense alleged in Count Two of the Indictment that the Defendant personally obtained.

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$82,366 in United States currency, representing the amount of proceeds traceable to the offense charged in Count Two of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count Two of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Nicolas Roos, Kiersten A. Fletcher, and Negar Tekeei, of counsel, and the Defendant, and his counsel, Maurice Sercarz, Esq., that:

1. As a result of the offense charged in Count Two of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$82,366 in United States currency

(the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count Two of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, SETH MARKIN, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendant’s name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.


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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: _____


NICOLAS ROOS
KIERSTEN A. FLETCHER
NEGAR TEKEEI
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2421/2238/2482

12/4/23
DATE

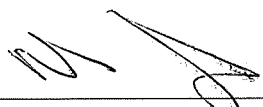
SETH MARKIN

By: _____


SETH MARKIN

12/4/23
DATE

By: _____


MAURICE SERCARZ, ESQ.
Attorney for Defendant
Sercarz & Riopelle, LLP
950 Third Avenue, 31st floor
New York, NY 10022

12/4/23
DATE

SO ORDERED:


HONORABLE EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE

12/4/2023
DATE